

GAHC010087232023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2270/2023

THE MANAGEMENT OF DEOHALL TEA ESTATE
ERSTWHILE CONCERN OF WARREN TEA LIMITED, A COMPANY
INCORPORATED UNDER THE PROVISIONS OF THE COMPANIES ACT, 1956,
HAVING ITS CORPORATE OFFICE AT 8TH FLOOR, JOHAR BUILDING, P-1,
HIDE LAND, KOLKATA-700073 REPRESENTED BY ITS CHIEF FINANCIAL
OFFICER/AUTHORISED REPRESENTATIVE, NAMELY SRI INDRANEEL
BANIK, SON OF LATE SUNIL BANIK, R/O- ABHYUDOY HOUSING FLAT,
B1/2, ANANDAPUR, EKTP PHIV, KOLKATA-700107.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
LABOUR AND EMPLOYMENT DEPARTMENT, DISPUR, GUWAHATI-781006.

2:THE ASSISTANT LABOUR COMMISSIONER
TINSUKIA DISTRICT
TINSUKIA
ASSAM

3:DULON GOGOI
R/O- CHABUA TOWN
KADAMONI
CHINEMA HALL ROAD
P.O. CHABUA
DIST. DIBARUGARH
ASSAM
PIN- 786184

Advocate for the Petitioner : MR. SAILENDRA DEKA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 28/04/2023

Heard Mr. B. Dutta, learned senior counsel assisted by Mr. J. Das, learned counsel for the writ petitioner. Also heard Mr. C.S. Hazarika, learned Additional Senior Government Advocate, Assam, appearing for the respondent nos. 1 and 2.

In this writ petition, the order dated 03/04/2023 issued by the respondent no. 2 directing the writ petitioner to pay a sum of Rs. 1,20,000/- to the respondent no. 3 as his un-paid dues on account of 6 (six) months' wages has been put under challenge, inter-alia contending that the respondent no. 2 did not have the jurisdiction or authority under the law to issue such an order. According to Mr. Dutta, the claim of the workmen is based on disputed question of fact which could not have been entertained by the respondent no. 2.

Mr. C.S. Hazarika, learned Additional Senior Government Advocate, Assam, appearing for the respondent nos. 1 and 2, on the other hand, submits that these orders are issued keeping in mind the peculiar circumstances arising during the outbreak of Covid-19 pandemic and, therefore, he be granted some time to obtain instruction in the matter.

Responding to the submission of the learned Government Advocate, learned senior counsel for the writ petitioner submits that unless an interim order is passed, the impugned order will be put to execution.

Having considered the submissions of learned counsel for both the parties, this Court is of the opinion that this matter would call for deeper examination.

In view of the above, issue notice of motion returnable in six weeks.

Since Mr. Hazarika, has appeared and accepted notice on behalf of the respondent nos. 1 & 2, no formal notice is required to be sent to the said respondents. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned Government Advocate within three days from today, so as to enable him to obtain instruction.

Petitioner to take steps for service of notice upon the respondent no. 3 by registered post with A/D within three days from today.

Heard on the prayer of interim relief.

Having regard to the facts and circumstances of the case, it is hereby provided that operation of the impugned order dated 03/04/2023 issued by the respondent no. 2, shall remain suspended until further orders, subject to the condition that 50% of the amount shall be disbursed to the respondent no. 3 within 7(seven) days from today, by reserving the right of the writ petitioner to recover the amount so disbursed, subject to the final order that may be passed in the writ petition.

List accordingly.

JUDGE

sukhamay

Comparing Assistant